

Article - State Government

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§12–305.

Before a State officer or State employee may be represented under this Part II of this subtitle, the Attorney General shall have the officer or employee enter into an agreement that:

(1) enables the Attorney General to require, from the officer or employee, reimbursement of court costs, reasonable counsel fees, and other expenses in representing the officer or employee if:

(i) it is determined judicially that:

1. the defense of sovereign immunity is not available to the officer or employee;

2. the injuries arose out of an act or omission of the officer or employee; and

3. the act or omission was malicious or grossly negligent or, when the act or the omission was made, the officer or employee was not performing a duty within the scope of the employment of the officer or employee; and

(ii) the officer or employee did not give the Attorney General complete information or gave the Attorney General information that is false or misleading;

(2) authorizes collection of the reimbursement, as a debt due to the State;

(3) states that:

(i) this representation of the officer or employee does not constitute an obligation for the State to pay a settlement, if the claim is settled, or a judgment, if judgment is rendered against the officer or employee;

(ii) the State and its units are not responsible for payment of the judgment; and

(iii) the officer or employee is entitled to submit to the Board of Public Works an application for payment of a settlement or judgment;

(4) provides that:

(i) the Attorney General may not compromise or settle the claim against the officer or employee without the written consent of the officer or employee;

(ii) if the officer or employee will not consent, the Attorney General may withdraw the appearance in accordance with the appropriate court rules; and

(iii) the State is not responsible for any costs after the withdrawal; and

(5) includes any other provisions that the Attorney General considers necessary.

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